

INCOMING TELEGRAM

Department of State

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FROM: LONDON

TO: Secretary of State

NO: 5521, APRIL 22, 3 PM (SECTION ONE OF TWO)

PRIORITY

LIMIT DISTRIBUTION

FROM HILLENBRAND

DEPT PASS DEFENSE

VERBATIM TEXT

FOLLOWING IS CURRENT DRAFT OF RECOMMENDATIONS SECTION OF BERLIN PAPER. IT WILL BE CONSIDERED AGAIN AT WEDNESDAY PLENARY SESSION OF WORKING GROUP AT WHICH TIME WE SHALL MAKE PROPOSALS CONTAINED IN DEPTTEL 9336. PAPER LIKELY BE FURTHER AMENDED, BUT WE ARE CABLING RECOMMENDATIONS SECTION NOW SO THAT DEPT WILL HAVE TEXT ON BASIS OF WHICH TO INTERPRET REPORTING TELEGRAM WE SHALL SEND TONIGHT. SINCE PERTINENT PARTS OF INTRODUCTORY MATERIAL SENT DEPT IN EMBTEL 5480, WE ARE NOT CABLING THIS PORTION OF PAPER AT PRESENT TIME. FOR CONVENIENT REFERENCE, REASONS FOR BRACKETING OF CERTAIN LANGUAGE ARE ALSO NOTED BELOW:

BEGIN TEXT RECOMMENDATIONS

1. QUOTE PHASED PLAN END QUOTE. A STATEMENT OF THE OPENING WESTERN POSITION ON BERLIN SHOULD BE PREPARED FOR USE IN CONJUNCTION WITH THE QUOTE PHASED PLAN END QUOTE. THE STATEMENT SHOULD PROPOSE: EITHER A (US) (I) BERLIN IS ONE CITY AND BELONGS TO ALL OF GERMAN. EAST AND WEST BERLIN SHOULD, THEREFORE, BE UNITED THROUGH FREE ELECTIONS HELD UNDER UN SUPERVISION. (II) SIMULTANEOUSLY A PLEBISCITE

LIKEWISE UNDER

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8/22/91

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-2- 5521, APRIL 22, 3 PM(SECTION ONE OF TWO),FROM LONDON.

LIKEWISE UNDER UN SUPERVISION, SHOULD BE HELD TO DETERMINE THE WISHES OF THE BERLIN POPULATION AS TO WHETHER FOREIGN TROOPS SHOULD REMAIN IN BERLIN, AND IF SO, TROOPS OF WHICH COUNTRY OR COUNTRIES. (III) THE GDR SHOULD REMOVE ITS CAPITAL FROM BERLIN SO THAT THE CITY MAY REMAIN IN TRUST AS THE DESTINED CAPITAL OF A REUNITED GERMANY TO BE ACHIEVED IN STAGE III. (IV) DURING THE INTERIM PERIOD UNTIL GERMANY IS REUNITED AND A PEACE TREATY IS ENTERED INTO THE FOUR POWERS SHOULD GUARANTEE THE CONTINUED PRESENCE OF SUCH FOREIGN TROOPS IN BERLIN AS MAY BE APPROVED UNDER (II) AND FREE AND UNRESTRICTED ACCESS TO BERLIN. OR B (UK-FRENCH) PENDING THE REUNIFICATION OF GERMANY WITHIN LESS THAN THREE YEARS AS ENVISAGED IN THE "PHASED PLAN" AND THE CONSEQUENT RESTORATION OF BERLIN AS THE CAPITAL OF A REUNIFIED GERMANY THE FOUR POWERS SHOULD AGREE NOT TO ALTER THE EXISTING ARRANGEMENTS REGARDING BERLIN AND ACCESS THERETO. THE THREE WESTERN POWERS WOULD HOWEVER BE PREPARED TO CONCLUDE SEPARATE ARRANGEMENTS WITH THE SOVIET GOVERNMENT ALONG THE FOLLOWING LINES: (I) UNITED NATIONS OBSERVERS COULD ASSUME CERTAIN SPECIAL RESPONSIBILITIES IN RESPECT OF REFUGEES. THEY COULD CONFIRM, FOR EXAMPLE, THAT REFUGEES COULD MOVE FREELY FROM THE D.D.R. TO WEST BERLIN THAT THEY ABSTAINED FROM IMPROPER ACTIVITIES IN WEST BERLIN REFUGEE CAMPS AND THAT THEY WERE NOT EXPLOITED FOR INTELLIGENCE AND PROPAGANDA IN THE BERLIN AREA. (II) THE FOUR POWERS COULD DECLARE THEIR INTENTION NOT TO ENGAGE IN INFLAMMATORY PROPAGANDA ACTIVITIES IN EAST OR WEST BERLIN. UNITED NATIONS OBSERVERS COULD CONFIRM THAT THESE DECLARATIONS WERE BEING FULFILLED. (III) THE THREE WESTERN POWERS COULD UNDERTAKE, SO LONG AS THE EXISTING ARRANGEMENTS REGARDING BERLIN AND ACCESS THERETO WERE BEING MAINTAINED, NOT TO STATION MORE THAN A GIVEN LEVEL OF WESTERN FORCES IN WEST BERLIN.

2. INTERIM BERLIN SOLUTION IN ISOLATION. IF THE SOVIET
GOVERNMENT

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-3- 5521, APRIL 22, 3 PM (SECTION ONE OF TWO), FROM LONDON.

GOVERNMENT REJECT THE "PHASED PLAN" FOR A GENERAL SETTLEMENT OF THE GERMAN PROBLEM AND THUS FORCE THE WESTERN POWERS TO NEGOTIATE AN INTERIM BERLIN SETTLEMENT, THE WESTERN POWERS SHOULD MAKE THE FOLLOWING PROPOSALS IN THE ORDER INDICATED. A. THE WESTERN POWERS SHOULD MAKE A PROPOSAL RELATING TO THE WHOLE OF BERLIN (WEST AND EAST).

(A) THEY WOULD PROPOSE FREE ELECTIONS IN BOTH PARTS OF BERLIN UNDER INTERNATIONAL [UNITED NATIONS] SUPERVISION AND THE FORMATION OF A FREELY ELECTED COUNCIL FOR THE WHOLE OF BERLIN UNTIL GERMAN REUNIFICATION WAS ACHIEVED AND AS A FIRST STEP TOWARDS IT. THUS BERLIN WOULD BE RETAINED AS THE FUTURE CAPITAL OF A REUNITED GERMANY AND EAST BERLIN COULD NO LONGER BE THE CAPITAL OF THE D.D.R.

(B) THE FREEDOM AND INTEGRITY OF THE UNITED CITY OF BERLIN AND ACCESS THERETO WOULD BE GUARANTEED BY THE FOUR POWERS WHO WOULD CONTINUE TO STATION TROOPS IN BERLIN.

(C) SUBJECT TO THE SUPREME AUTHORITY OF THE FOUR POWERS, THE FREELY ELECTED BERLIN COUNCIL WOULD BE FREE TO ADMINISTER THE CITY AS IT THOUGHT BEST. [B] IF A IS REJECTED THE WESTERN POWERS SHOULD PROPOSE THAT FREE AIR AND SURFACE ACCESS TO BERLIN UNDER TRIPARTITE CONTROL BE AGREED BY THE SOVIETS. THIS WOULD BE THE LOGICAL CONSEQUENCE OF THE LEGAL FACT THAT SOVIET ABANDONMENT OF THEIR OCCUPATION RIGHTS WOULD RESULT IN THE ENDING OF ANY LIMITATION ON THE OCCUPATION RIGHTS OF THE THREE WESTERN POWERS WHICH THEY HAD AGREED WITH THE SOVIET UNION IN 1943-1945. [C] IF BE IS REJECTED THE WESTERN POWERS SHOULD AGREE TO THE SOVIET GOVERNMENT TURNING OVER THE TRAFFIC CONTROL AND CHECK POINTS ON THE ACCESS ROUTES TO D.D.R. PERSONNEL PROVIDED THAT IN SO DOING THE SOVIET GOVERNMENT EXPLICITLY INFORMS THE WESTERN POWERS IN WRITING THAT THE D.D.R. IS ACTING AS AGENT FOR THE SOVIET GOVERNMENT.

IN THIS CONNECTION THE WESTERN POWERS SHOULD STATE THAT
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THEY WOULD FIRST WISH 7 COULD SAY THAT THEY WOULD BE WILLING 7 TO NEGOTIATE AN ARRANGEMENT WITH THE SOVIET GOVERNMENT DEFINING IN PRECISE TERMS THE WAYS IN WHICH FREEDOM OF ACCESS TO BERLIN WOULD BE MAINTAINED. SUCH AN ARRANGEMENT WOULD NOT, OF COURSE, REPLACE EXISTING AGREEMENTS BUT BE COMPLEMENTARY TO THEM. THE ARRANGEMENT WOULD HAVE TO FULFILL THE GENERAL CRITERION OF PUTTING WESTERN MILITARY AND CIVIL ACCESS TO BERLIN AND ALSO THE MOVEMENT OF GOODS ON A MORE SATISFACTORY AND EXPLICIT FOOTING THAN AT PRESENT. IN PARTICULAR IT WOULD HAVE TO FULFILL THE FOLLOWING CRITERIA: (A) IT WOULD HAVE TO BE QUADRI-PARTITE, I.E. SIGNED BY THE SOVIET GOVERNMENT AND NOT BY THE "GERMAN DEMOCRATIC REPUBLIC". (B) IT WOULD HAVE TO ENABLE THE THREE WESTERN POWERS TO FULFILL ALL THEIR PRESENT OBLIGATIONS TOWARDS THE PEOPLE OF WEST BERLIN. THIS MEANS THAT THE AGREEMENT WOULD HAVE TO INCLUDE THE FOLLOWING: (1) A PRECISE DEFINITION OF THE RIGHTS OF THE ALLIED POWERS INsofar AS ACCESS TO THEIR TROOPS IN BERLIN IS CONCERNED, TOGETHER WITH A DEFINITION OF THE CORRESPONDING OBLIGATIONS OF THE SOVIET GOVERNMENT WHICH UNDER THE TERMS OF THE AGREEMENT MIGHT BE EXERCISED BY THIRD PARTY.

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FROM: LONDON

TO: Secretary of State

NO: 5521, APRIL 22, 3 P.M. (SECTION TWO OF TWO)

Control: 14496

Rec'd: APRIL 22, 1959
2:33 P.M.

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FROM HILLENBRAND

(11) A PRECISE DEFINITION OF THE OBLIGATIONS OF THE SOVIET GOVERNMENT (WHICH MIGHT SIMILARLY BE EXERCISED BY A THIRD PARTY) INsofar AS MOVEMENT OF GOODS AND CIVILIANS IS CONCERNED. (C) IT WOULD HAVE TO BE EXPLICITLY STATED THAT IT WOULD REMAIN IN FORCE UNTIL GERMANY WAS REUNIFIED UNLESS MODIFIED OR REPLACED BY FURTHER ARRANGEMENTS FREELY NEGOTIATED BY ALL THE FOUR SIGNATORIES. (D) IT WOULD HAVE TO BE REGISTERED WITH THE UNITED NATIONS. (E) EXISTING PROCEDURES WOULD CONTINUE IN EFFECT UNTIL THE NEW ARRANGEMENTS HAD BEEN NEGOTIATED. D. IF C IS REJECTED THE WESTERN POWERS SHOULD MAKE THE FOLLOWING PROPOSAL: THEY WOULD INFORM THE SOVIET GOVERNMENT THAT (A) THEY CONSIDER THAT THEY HAVE ABSOLUTE AND UNQUALIFIED RIGHTS UNTIL BERLIN IS ONCE MORE THE CAPITAL OF A REUNIFIED GERMANY. THEY HAVE OBLIGATIONS TOWARDS THE INHABITANTS OF WEST BERLIN. FOR THIS PURPOSE ALLIED TROOPS MUST REMAIN IN WEST BERLIN AND FREEDOM OF COMMUNICATIONS BETWEEN WEST BERLIN AND THE FEDERAL REPUBLIC MUST BE MAINTAINED IN THE SAME GENERAL CONDITIONS AS HITHERTO. (B) THAT THEY CONTINUE TO HOLD THE SOVIET GOVERNMENT RESPONSIBLE FOR THE FULFILLMENT OF ITS OBLIGATIONS TO

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-2- 5521, APRIL 22, 3 P.M. (SECTION TWO OF TWO) FROM LONDON

THE THREE POWERS IN RELATION TO THEIR PRESENCE IN BERLIN AND FREEDOM OF ACCESS THERETO. (C) THAT SINCE IT IS CLEAR THAT NO PROGRESS CAN BE MADE ON THE JURIDICAL ASPECTS OF THE PROBLEM THEY ARE PREPARED, WHILE FULLY RESERVING THEIR POSITION AS REGARDS EXISTING RIGHTS AND OBLIGATIONS, TO MAKE AN ARRANGEMENT WHICH WOULD INCLUDE THE FOLLOWING ELEMENTS;

1. THE EAST GERMAN AUTHORITIES WOULD MAKE A PUBLIC DECLARATION (NOT ADDRESSED TO ANYONE IN PARTICULAR) THAT PENDING GERMAN REUNIFICATION; (A) THEY WILL NOT DEVIATE FROM EXISTING PROCEDURES (I.E. THE PROCEDURES THAT WERE FOLLOWED DURING A SPECIFIED PERIOD, SUCH AS APRIL, 1959) REGARDING ALLIED MILITARY TRAFFIC TO BERLIN. (3) THEY WILL BE GOVERNED BY THE FOUR POWER COMMUNIQUE ISSUED IN PARIS ON JUNE 20, 1949, IN PROCEDURES RELATING TO CIVILIAN TRAFFIC.
2. THE SOVIET GOVERNMENT WOULD ASSOCIATE ITSELF WITH THIS D.D.R. DECLARATION.
3. THE FOUR POWERS WOULD MAKE PUBLIC DECLARATIONS THAT THEY WILL NOT USE OR THREATEN FORCE TO OVERTHROW EXISTING ARRANGEMENTS REGARDING THE GOVERNMENT OR ADMINISTRATION OF BERLIN. SEPARATE DECLARATIONS WOULD BE MADE BY THE FEDERAL REPUBLIC AND BY THE EAST GERMAN AUTHORITIES TO THE SAME EFFECT.
4. THE FOUR POWERS WOULD CONCLUDE AN AGREEMENT WHEREBY A UNITED NATIONS SPECIAL REPRESENTATIVE AND A LIMITED NUMBER OF UNITED NATIONS OBSERVERS WOULD BE ESTABLISHED IN BERLIN IN ORDER TO CONFIRM THAT THE DECLARATIONS

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REFERRED TO ABOVE WERE BEING ADHERED TO. THE AGREEMENT CONCERNING THE SPECIAL REPRESENTATIVE AND HIS FUNCTIONS WOULD BE WORKED OUT DIRECTLY BETWEEN THE FOUR POWERS, NOT BY THE UNITED NATIONS. THE FOUR POWERS WOULD THEN REQUEST THE SECRETARY-GENERAL OF THE UNITED NATIONS TO APPOINT A UNITED NATIONS SPECIAL REPRESENTATIVE TO PERFORM THE LIMITED AND SPECIFIC ROLE CALLED FOR IN THE FOUR POWER AGREEMENT. THE AGREEMENT WOULD PROVIDE FOR UNITED NATIONS OBSERVERS TO BE STATIONED IN BOTH WEST AND EAST BERLIN (POSSIBLY INCLUDING THE AIR SAFETY CENTRE), AND AT THE ACCESS CHECKPOINTS, AND WOULD ENGAGE IN PATROLS AS NEEDED ALONG THE SURFACE ROUTES OF ACCESS. THEY COULD, IF THEY WISHED, OFFER LOCAL ASSISTANCE TO THE INTERESTED PARTIES IN ANY TECHNICAL DISCUSSIONS AS TO WHETHER THE DECLARATIONS WERE BEING ADHERED TO IN SPECIFIC INSTANCES. A SPECIAL BUILDING COULD BE PROVIDED IN BERLIN TO HOUSE THE UNITED NATIONS PERSONNEL AND TO PROVIDE SPACE FOR ANY MEETINGS OF UNITED NATIONS SUBSIDIARY ORGANS THAT MIGHT BE HELD IN BERLIN AND FOR ANY UNITED NATIONS ACTIVITIES THAT MIGHT TAKE PLACE IN BERLIN.

5. THE FOLLOWING ADDITIONAL ELEMENTS COULD BE INCLUDED IN THE ARRANGEMENT: (A) UNITED NATIONS OBSERVERS COULD ASSUME CERTAIN SPECIAL RESPONSIBILITIES IN RESPECT OF REFUGEES. THEY COULD CONFIRM, FOR EXAMPLE, THAT REFUGEES COULD MOVE FREELY FROM THE D.D.R. TO WEST BERLIN THAT THEY ABSTAINED FROM IMPROPER ACTIVITIES IN WEST BERLIN REFUGEE CAMPS AND THAT THEY WERE NOT EXPLOITED FOR INTELLIGENCE AND PROPAGANDA IN THE BERLIN AREA. (B) REPORT ON AGREED MATTERS ABOUT WHICH THERE MIGHT BE FRICTION, E.G. PROPAGANDA ACTIVITIES. THEY COULD THUS IN PRACTICE, IF NOT IN THEORY, ACT AS ARBITERS. (SEE 6 BELOW).

6. THE FOUR POWERS COULD DECLARE THEIR INTENTION NOT TO ENGAGE IN INFLAMMATORY PROPAGANDA ACTIVITIES IN EAST OR WEST BERLIN. (SEE 5(B) ABOVE).

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7. THE THREE POWERS COULD UNDERTAKE, SO LONG AS THE DECLARATIONS CONCERNING FREE ACCESS AND NON-USE OF FORCE WITHIN BERLIN WERE BEING OBSERVED, NOT TO STATION MORE THAN A GIVEN LEVEL OF WESTERN FORCES IN WEST BERLIN. (THIS LEVEL MIGHT POSSIBLY BE VERY SLIGHTLY BELOW THE PRESENT LEVEL OF WESTERN FORCES ALTHOUGH THIS MIGHT HAVE CERTAIN PSYCHOLOGICAL DISADVANTAGES). THE LEVEL WOULD ONLY BECOME EFFECTIVE ONE YEAR AFTER THE DECLARATIONS CONCERNING FREE ACCESS AND NON-USE OF FORCE WITHIN BERLIN WERE MADE, IN ORDER TO TEST COMMUNIST GOOD FAITH IN CARRYING OUT THOSE DECLARATIONS. (THE SOVIET/D.D.R. AUTHORITIES MIGHT GIVE SIMILAR UNDERTAKINGS). E. IF SOLUTION D IS REJECTED, THE WESTERN POWERS SHOULD SAY THAT THEY INTEND TO MAINTAIN THEIR PRESENT RIGHTS IN RESPECT OF BERLIN AND ACCESS THERETO UNDER EXISTING AGREEMENTS AND TRUST THAT THE SOVIET GOVERNMENT WILL NOT ATTEMPT TO INTERFERE WITH THE EXERCISE OF THEIR RIGHTS. END TEXT

ABOVE TEXT DOES NOT INCLUDE AS YET WRITTEN FRENCH AMENDMENTS INTENDED TO LIMIT UN ROLE. FRENCH AMENDMENTS WILL BE TAKEN UP AT WEDNESDAY PM PLENARY SESSION.

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